

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

LARRY ANTHONY McDANIEL, et al.,

Defendants,

JEFFREY M. HAEBERLIN,

Petitioner.

Case No.: 2:17-cr-00110-APG-DJA

**Order Dismissing Petition for Ancillary
Hearing**

[ECF Nos. 334, 353]

A jury convicted Larry McDaniel of interstate transportation of stolen property in violation of 18 U.S.C. § 2314 (Counts 9 and 10). ECF Nos. 8; 226; 309. I granted the United States' motion to forfeit McDaniel's interest in real property located at 3189 Pinehurst Dr, Unit B, in Las Vegas (the Pinehurst property). ECF No. 321. In response to my order, Jeffrey Haeberlin filed a claim against McDaniel for reimbursement for a coin collection that McDaniel allegedly stole. ECF No. 334. I will treat Haeberlin's claim as a petition for ancillary hearing regarding the forfeiture of the Pinehurst property under Federal Rule of Criminal Procedure 32.2(c)(1). The Government moves to dismiss the petition for a variety of reasons. ECF No. 353.

Haeberlin contends McDaniel stole his coin collection during the robbery at 24/7 Private Vaults in 2012. ECF No. 334 at 1. But McDaniel was not convicted of that robbery. ECF No. 226. His convictions—and the forfeiture of the Pinehurst property—arise from the 2014 burglary at 24/7 Private Vaults. So Haeberlin cannot trace his stolen coins to McDaniel's actions or the forfeited property. Haeberlin thus lacks Article III standing to maintain his petition.

1 *United States v. BNP Paribas S.A.*, No. 14 CR. 460 LGS, 2015 WL 1962882, at *3 (S.D.N.Y.
2 Apr. 30, 2015) (petitioner lacked standing because their injury was not “fairly traceable” to the
3 defendant’s actions or the forfeited funds). While Haeberlin may be able to assert a claim
4 against those responsible for the 2012 robbery, that claim cannot be asserted against McDaniel. I
5 therefore must dismiss Haeberlin’s petition. I need not address the United States’ other grounds
6 for dismissal.

7 I THEREFORE ORDER that the United States’ motion to dismiss **(ECF No. 353)** is
8 **granted** and Mr. Haeberlin’s petition **(ECF No. 334)** is **dismissed**.

9 DATED this 14th day of November, 2023.

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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